

HOUSE BILL 1378
By Turner B

AN ACT to amend Tennessee Code Annotated, Section 37-10-101;
Section 37-10-102; Section 39-14-202; Section 39-14-205;
Section 39-14-212 and Section 44-17-403, relative to
cruelty to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-202, is amended by adding
the following language as a new, appropriately designated subsection:

(g) If a minor is transferred to criminal court to be dealt with as an adult and is
found guilty of a criminal violation of subsection (a) or if a minor is adjudicated delinquent
by a juvenile court based in whole or in part upon conduct that, if committed by an adult,
constitutes a criminal violation of subsection (a), then the court may order the minor to
be evaluated to determine the need for psychiatric or psychological treatment. If the
court determines that psychiatric or psychological treatment is needed, then the court
may order such treatment and may require the parents or guardians of such minor to
pay all or a portion of the cost of the treatment unless such parents or guardians are
indigent; provided, however, as used in this sentence, "guardian" shall not be construed
to include any foster parent or public employee to whom temporary custody of the minor
has been assigned by the state.

SECTION 2. Tennessee Code Annotated, Section 39-14-205, is amended by adding the following language as a new, appropriately designated subsection:

(c) If a minor is transferred to criminal court to be dealt with as an adult and is found guilty of a criminal violation of subdivision (a)(1) or if a minor is adjudicated delinquent by a juvenile court based in whole or in part upon conduct that, if committed by an adult, constitutes a criminal violation of subdivision (a)(1), then the court shall order the minor to be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is needed for the minor, then the court shall order such treatment and the parents or guardians of such minor shall pay the cost of the treatment unless such parents or guardians are indigent; provided, however, as used in this sentence, "guardian" does not include any foster parent or public employee to whom temporary custody of the minor has been assigned by the state.

SECTION 3. Tennessee Code Annotated, Section 39-14-212(j), is amended by deleting the subsection in its entirety and by substituting instead the following:

(j)

(1) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.

(2) If a minor is transferred to criminal court to be dealt with as an adult and is found guilty of a criminal violation of subsection (a) or if a minor is adjudicated delinquent by a juvenile court based in whole or in part upon conduct that, if committed by an adult, constitutes a criminal violation of subsection (a),

then the court shall order the minor to be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is needed for the minor, then the court shall order such treatment and the parents or guardians of such minor shall pay the cost of the treatment unless such parents or guardians are indigent; provided, however, as used in this sentence, "guardian" does not include any foster parent or public employee to whom temporary custody of the minor has been assigned by the state.

SECTION 4. Tennessee Code Annotated, Section 37-10-102, is amended by adding the following sentence:

However, with respect to a violation of § 44-17-403(a) arising from a minor's unlawful and intentional acts that result in the death of another person's pet, damages may also include up to four thousand dollars (\$4,000) in noneconomic damages in accordance with the provisions of § 44-17-403.

SECTION 5. Tennessee Code Annotated, Section 44-17-403(f), is amended by deleting the words "The provisions of this section shall apply only" and by substituting instead the following:

The provisions of this section, pertaining to negligent acts that result in the death of another person's pet, shall apply only

SECTION 6. This act shall take effect July 1, 2003, the public welfare requiring it.